

**AMENDMENTS TO THE DRAWINGS:**

The attached drawings include changes to Figs. 4 and 6B. The sheets containing Figs. 4 and 6B replace the original sheets including Figs. 4 and 6B.

On page 2 of the Office Action, the Examiner objected to the drawings. In order to overcome these objections, replacement figures are submitted herewith.

The Examiner objected to the drawings for failing to show every feature of the invention specified in the claims, specifically, the plural profiles in the profile grooves.

In Figs. 4 and 6B, a plurality of profiles were shown and described at, *e.g.*, page 6, Paragraph 29, but not labeled. Accordingly, the replacement Figs. 4 and 6B label a plurality of profiles between the first and second profile groove portions 46a and 46b with reference numbers 50 and 51.

Approval of these changes to the Drawings is respectfully requested.

**REMARKS**

**INTRODUCTION**

In accordance with the foregoing, the specification and Figs. 4 and 6B have been amended. Claims 23 and 24 have been added. Claims 1, 7, 11, 14, 15, and 22 have been amended. Claims 5, 6, 20, and 21 have been cancelled without prejudice or disclaimer. Claims 1-4, 7-19, and 22-24 are pending and under consideration.

**DRAWING OBJECTIONS**

On page 2 of the Office Action, the drawings are objected to under 35 C.F.R. 1.83(a) because they do not show every feature of the claims.

It is submitted that the "plurality of profiles" are disclosed in amended Figs. 4 and 6B (submitted herewith) and designated with reference numbers 50 and 51.

In view of the above, it is respectfully requested that the drawing objections are overcome.

**REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH**

On pages 2-3 of the Office Action, claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Applicants respectfully submit that Paragraph 29 of the original disclosure states:

One or more profiles 50 are compressively fit into a space formed by the first and second profile groove portions 46a and 46b of the stationary and rotatable trays 42 and 44.

Proper support for features claimed in claims 1, 7, and 22 can be found at least in Paragraphs 29, 32, and 33, and Figs. 4 and 6B and the corresponding text.

Thus, claims 1-22 are submitted to meet the requirements of 35 U.S.C. § 112, first paragraph.

Withdrawal of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. §103**

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedenberg in view of Miller.

The Examiner acknowledged that Hedenberg does not teach or suggest a profile groove with protrusions. On page 4 of the Office Action, the Examiner asserts that Miller makes up for the deficiencies of Hedenberg. The teachings of Miller are directed to a non-analogous art because Miller describes a cover for a deck hatch or manhole. Miller's invention is not directed

to a bread maker. The Examiner has failed to provide evidence that the motivation to combine Hedenberg and Miller in the manner suggested by the Examiner exists in the prior art or in the knowledge generally available to one of ordinary skill in the art, and thus, that the Examiner has not provided sufficient evidence to maintain a prima facie obviousness rejection of the claims.

In addition to the lack of proper motivation, it is respectfully submitted that the cited references do not teach or suggest all of the features of the claims. Independent claim 1, used as an example, now recites "...wherein the breakaway-prevention protrusions are formed on the profile groove by press-forming."

On page 4, the Office Action states, "in regards to the method of forming the protrusion on the groove, such is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight."

MPEP 2113 states:

The structure implied by the process steps should be considered when assessing the patentability of product-by-process claims over the prior art, especially where the product can only be defined by the process steps by which the product is made, or where the manufacturing process steps would be expected to impart distinctive structural characteristics to the final product. See, e.g., *In re Garnero*, 412 F.2d 276, 279, 162 USPQ 221, 223 (CCPA 1979) (holding "interbonded by interfusion" to limit structure of the claimed composite and noting that terms such as "welded," "intermixed," "ground in place," "press fitted," and "etched" are capable of construction as structural limitations. (*emphasis added*))

Contrary to the Examiner's assertion, the breakaway-prevention protrusions 47 in the present invention may be integrally formed on the profile groove by a press (Para. 34). The work efficiency and productivity are increased (Para. 35). Thus, the cost of manufacturing is reduced (Para. 35). For example, the press-forming of the breakaway-prevention protrusions imparts distinctive structural characteristics, such as, a breakaway-prevention protrusion that is integrated with the profile groove. New claim 23 recites this feature "...wherein the breakaway-prevention protrusions are integrated with the profile groove." New claim 24 recites this feature of "...press-forming breakaway-prevention protrusions on the profile groove."

Although the claims are not restricted to what is disclosed in the specification and drawings, for support purposes, the Examiner is referred to Fig. 6B where the breakaway-prevention protrusions 47 are incorporated with the respective stationary and rotatable trays 42 and 44 by molding, and are plurally provided in the inner upper and inner lower edges of each of the first and second profile groove portions 46a and 46b (Para. 33).

Further, *In re Garnero* (412 F.2d 279) held that many terms limit the structural arrangement including the term "press fitted" are capable of construction as structural

limitations.

In the present invention, the limitations of "press-formed" and "press-forming" indicate that the breakaway-prevention protrusions are an integral part of the structure of the profile groove. The resulting structure after "press-forming" are breakaway-prevention protrusions that are incorporated with the respective stationary and rotatable trays by molding.

Therefore, the limitations of "press-formed" found in amended, independent claims 1 and 7 and "press-forming" found in amended independent claim 22 impart distinctive structural characteristics to the final product.

Neither Hedenberg nor Miller, individually or combined, *inter alia*, teach or suggest where the breakaway-prevention protrusions are press-formed.

In view of the above, it is respectfully submitted that the rejection is overcome.

#### CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

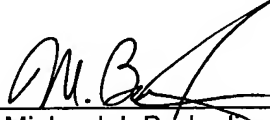
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 8-9-06

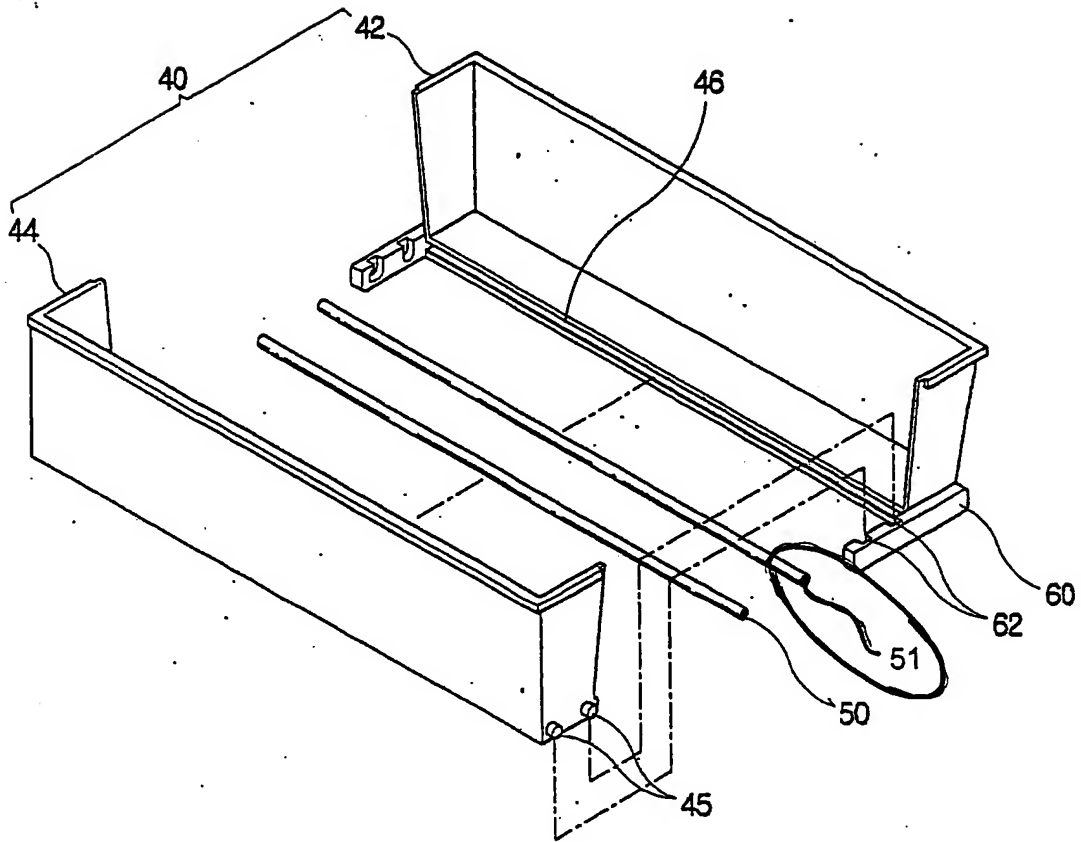
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TITLE: BREAD MAKER  
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SERIAL NO.: 10/714,610  
DOCKET NO.: 1572.1200  
ANNOTATED SHEET



4 / 6  
FIG. 4





6 / 6  
FIG. 6A

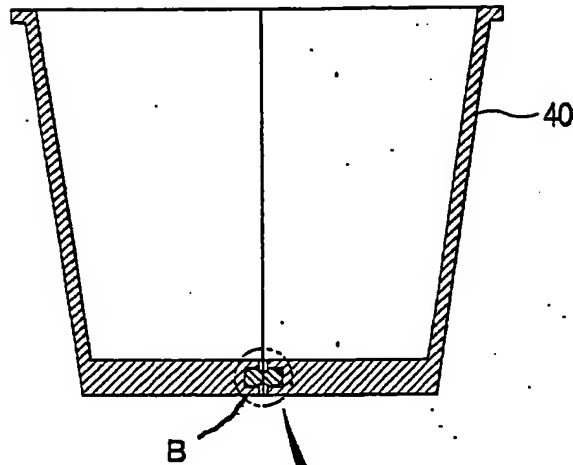


FIG. 6B

